#3

FEB 0 4 2002

DECLARATION CLAIMING SMALL ENTITY STATUS
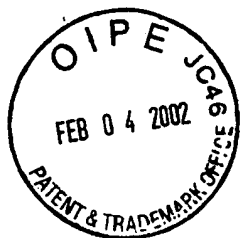### FOR AN INDEPENDENT INVENTOR

I, Phillip M. Adams, hereby declare that I qualify as an independent inventor, as defined in 37 C.F.R. § 1.9(c), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled PROGRAMMATIC TIME-GAP DEFECT CORRECTION APPARATUS AND METHOD, as described in the patent application filed on November 30, 2001 as Serial No. 10/005,135.

I further declare, upon information and belief, that I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any right, title, or interest in the above-identified invention to any person or entity.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at _SALT LAKE CITY_ , Utah this 22ND day of January, 2002.

Phillip M. Adams
313 Pleasant Summit Drive
Henderson, Nevada 89012

PATENT
Docket No.: 2456.2.9

DECLARATION, POWER OF ATTORNEY AND PETITION

I, Phillip M. Adams, declare: that I am a citizen of the United States of America; that my residence and post office address is 313 Pleasant Summit Drive, Henderson, Nevada 89012; that I verily believe I am the original, first, and co-inventor of the subject matter of the invention or discovery entitled "PROGRAMMATIC TIME-GAP DEFECT CORRECTION APPARATUS AND METHOD", for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as my attorneys A. John Pate, Gary D.E. Pierce and Hal D. Baird, Registration Nos. 36,234, 38,019 and 42,284, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:

A. John Pate
PATE PIERCE & BAIRD
Bank One Tower
50 West Broadway, Suite 900
Salt Lake City, Utah 84101

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Salt Lake City, Utah on this 17TH day of DECEMBER, 2001.

Inventor _Phillip M. Adams_
Phillip M. Adams
313 Pleasant Summit Drive
Henderson, Nevada 89012